THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.9882 of 2007

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in not issuing call letter to the petitioner to attend the interview held on 27.4.2007 to the post of Junior Lineman, Operation Circle, APSPDCL, Kadapa stating that the Electrical Wiring and Contracting (EWC) and Electrical Wiring and Servicing of Electrical Appliances (EW & SEA) are not one and the same as arbitrary, illegal, unjust and violative of principles of natural justice and also violative of Articles 14, 16, 19 and 21 of the Constitution of India besides opposed to public policy and consequently direct the respondents to conduct interview to the petitioner to the post of Junior Lineman.

It appears, a notification was issued by the second respondent on 6.6.2006 inviting applications from eligible candidates for the post of Junior Lineman on yearly contract basis. The Chairperson and Managing Director, A.P.TRANSCO, Vidyut Soudha, Hyderabad had given a clarification to the Chairman and Managing Director, EPDCL/Visakhapatnam, SPDCL/Tirupathi, NPDCL/Warangal, CPDCL/ Hyderabad vide letter dated 6.7.2006 stating;

> "Keeping in view the relevance of the skills acquired in ITI, candidates possessing ITI qualification in Wireman trade and Lineman trade, as well as Vocational Course in Electrical trade may also be considered for recruitment of JLMs on contract basis".

Further, a revised notification was also issued on 10.7.2006 calling applications from the eligible candidates fixing the last date for receipt

of the applications as 14.11.2006. As per the revised notification, the qualification to the post of Junior Lineman is SSLC/SSC/10th class with ITI qualification in electrical wireman trade or intermediate vocational course in electrical trade is compulsory. As per the letter dated 6.7.2006 and revised notification, according to the petitioner, he is fully eligible to apply to the post of Junior Lineman. In pursuance of this notification, petitioner applied to the post of Junior Lineman within the time along with requisite certificates. On a clarification sought as to ambiguity in regard to qualification by respondents, the Commissioner of Intermediate Education, Andhra Pradesh, Hyderabad addressed a letter to the Chairman and Managing Director, Southern Power Distribution Company of Andhra Pradesh Ltd., Operation Circle, Tirupathi vide proceedings dated 20.4.2007 stating;

> "This is to inform that EDAR and EWC / Intermediate Vocational courses have been clubbed and given the nomenclature as EW & SEA. Hence the old pass outs of EDAR and EWC of two year Intermediate Vocational Course Students in qualification and the courses are related to Electrical Engineering. Therefore, the students of EDAR, EWC & EW and SEA Inter pass outs may be treated on par with all other Electrical Course students eligible for Linemen and other equivalent posts in your department".

It was further clarified by the District Vocational Education Officer (FAC), Kadapa to the Southern Power Distribution Company of Andhra Pradesh Ltd., Operation Circle, Tirupathi vide proceedings in Rc.No.Spl/A/2007 dated 24.4.2007 stating;

> "I came to know that the Southern Power Distribution Company is rejecting applications of Intermediate Vocational students who have studied EWC vocational course. I wish to state that EWC course is also an electrical course and whether the candidates who have studied have been selected for Lineman post. The EWC course is renamed as EW &

> SEA and nomenclature is changed and EWC course is not functioning now. With the same syllabus the course is now renamed as EW & SEA. Hence, I request you to consider the application of EWC vocational students for recruitment as Lineman. The Officers of Intermediate Board have clarified that EWC and EW & SEA are equivalent".

Thus, according to the petitioner, he is also eligible to apply the post of Junior Lineman, since he has completed vocational course in the nomenclature of EWC. Though the respondents issued call letters to the persons who are similarly as that of the petitioner, to attend interviews to be held on 27.4.2007, petitioner was not issued with such call letter. Therefore, petitioner immediately approached the respondents ventilating his grievance and respondents replied that since petitioner is having qualification of only EWC (Electrical Wiring and Contracting), no call letter was issued to him. It is the case of the petitioner that he did his apprentice for a period of one year in the Divisional Office, Rajampet, APSPDCL and has been working as a contract labour since 2004 till date in Sub-Station, Bestapalli, Rajampet division, Kadapa district. In fact, EPF No.AP/43409/14 was also allotted to him. Therefore, there is no justification on the part of respondents in not issuing call letter to petitioner to attend the interview held on 27.4.2007.

On behalf of respondents, third respondent filed a detailed counter denying allegations made by the petitioner and asserting that the qualification required for appointment to the post of Junior Lineman (contract) was pass in SSLC/SSC/10th class with ITI qualification in Electrical/Wiremen Trade or Intermediate Vocational course in Electrical Trade. Petitioner possesses qualification in Intermediate Vocational course in Electrical Wiring and Contracting (EWC), which is not a requisite qualification in terms of the notification. In the

notification, it was clearly specified that the vocational course in Electrical Trade is only considered for recruitment to the post of Junior Lineman on contract basis. Therefore, petitioner is not eligible to be considered since he did not possess requisite qualification for the post of Junior Lineman on yearly contract basis. As per the notification, first preference would be given to the contract labours, who were working in terms of the notification. Out of the notified vacancies, eleven (11) vacancies are earmarked in favour of SC/ST/BC-C categories and all other vacancies are filled up. Petitioner does not belong to either of the categories. The clarification dated 6.7.2006 has not been properly understood by the petitioner. The vocational course in Electrical Trade was considered for recruitment to the post of Junior Lineman. The notification dated 6.6.2006 was revised on 20.10.2006, wherein educational qualifications prescribed are SSLC/SSC/10th class with ITI qualification in Electrical/Wireman Trade or Intermediate Vocational course in Electrical Trade. Since petitioner does not have the qualification of intermediate vocational course in electrical trade, he is not eligible for the post of Junior Lineman. The letter dated 20.4.2007 issued by the Commissioner of Intermediate Education has no relevance inasmuch as no clarification was sought from the Commissioner of Intermediate Education. Similarly, the letter of the District Educational Officer dated 24.4.2007 is also irrelevant for the present facts of the case, inasmuch as no clarification or opinion was sought for. Petitioner has studied Intermediate Vocational Course in Electrical Wiring and Contracting (EWC). The Electrical Wiring and Contracting is not equivalent to Electrical Trade. Therefore, petitioner cannot be said to be possessed of the requisite qualification for the post of Junior Lineman. The unsolicited clarification issued by the Commissioner of Intermediate Education issued was not taken into

consideration.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the material made available on record.

The only question that arises for consideration in this writ petition is whether the qualification issued by the Commissioner of Intermediate Education dated 20.4.2007 and the letter addressed by the District Educational Officer dated 24.4.2007 could have been taken into consideration by the respondents for the purpose of considering qualification held by the petitioner as required under notification.

The letter of the Commissioner of Intermediate Education dated 20.4.2007 is very clear that the old pass outs of EDAR and EWC of two year Intermediate Vocational Course are equivalent to the present EWC & SEA and the courses are related to Electrical Engineering. EDAR and EWC Intermediate Vocational Courses have been clubbed and given the new nomenclature of EWC & SEA, which was communicated to the respondents. The competent authority to clarify in this regard is no doubt the Commissioner of Intermediate Education, A.P., Hyderabad. But it is unfortunate that the respondents neglected the said clarification. The respondents should have sought for further clarification, if necessary, from the Commissioner of Intermediate Education. In fact, it is not the case of respondents that the clarification issued by the Commissioner of Intermediate Education that EDAR and EWC courses have been clubbed and given a new nomenclature as EWA & SEA. Once the vocational courses have been clubbed and a new nomenclature is given, it is not expected from the petitioner to produce a certificate showing the qualification as required in the notification. Further, it is interesting to notice that this EWC certificate of Intermediate Vocational Course is also of two years course and

related to Electrical Engineering. Therefore, the irresistible conclusion that can be drawn is that the opinion rendered by the Commissioner of Intermediate Education, A.P., Hyderabad is binding on the respondents and the respondents cannot brush aside such a clarification stating that it was an unsolicited clarification. This amounts to degrading the authority of Commissioner of Intermediate Education, A.P., Hyderabad. If really, for any reason, the respondents have entertained any doubt, it was always open for them to seek a further clarification. Instead of doing that, the case of the petitioner was rejected on the ground that he does not possess the requisite qualification as per the notification. May be, what is required by the notification was Intermediate Vocational Course in Electrical Trade. But in the teeth of the certificate issued by the authorities and the clarification issued by the Commissioner of Intermediate Education, it cannot be said that the course undergone by the petitioner cannot be treated as Intermediate Vocational Course in Electrical Trade.

Under these circumstances, rejection of case of the petitioner for being interviewed along with others for the post of Junior Lineman (contract) is arbitrary and illegal. Therefore, the respondents are directed to subject the petitioner to interview and selection process as per the notification treating the Intermediate Vocational Course in Electrical Wiring and Contracting (EWC) as equivalent to that of Intermediate Vocational Course in SEA and consider for appointment of the petitioner as Junior Lineman (contract), if he is otherwise eligible as per law, either in the existing vacancies or in future vacancies (i.e. after completion of one year contract period of Junior Lineman appointed in pursuance of the notification).

The writ petition is allowed to the extent indicated above. No order as to costs.

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C.V.RAMULU, J

Date: .12.2007

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W.P.No.9882 of 2007

.12.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.9882 of 2007

Date: December, 2007

Between:

K.Subramanyam

.. Petitioner

And

The Chairman and Managing Director,
APSPDC Ltd., Corporate Office,
Tirupati, Chittoor district & others.

.. Respondents